

Memorandum



Date: January 25, 2007

To: Honorable Chairman Bruno A. Barreiro and Members,
Board of County Commissioners

Agenda Item No. 3(P)(1)(C)

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the County Manager to Receive and Expend Funds from the U.S. Department of Housing and Urban Development: FY2006 EDI – Special Project Grant on behalf of the Carnival Center for the Performing Arts

RECOMMENDATION

It is recommended that the Board of County Commissioners authorize the County Manager to receive and expend a grant in the amount of \$247,500 from the U.S. Department of Housing and Urban Development FY2006 Economic Development Initiative (EDI) – Special Project Grant for and on behalf of the Carnival Center for the Performing Arts (the Center) for the purpose of purchasing various digital display and communications systems and hardware. There is no matching requirement specified for this grant.

BACKGROUND

Opened in October 2006, the Center is one of the largest and most technologically advanced performing arts centers in the United States. Located on 5.9 acres spanning both sides of Biscayne Boulevard in Downtown Miami, the Center includes a 2,200-seat Concert Hall, a 2,400-seat Ballet Opera House, a 200-seat black box Studio Theater, a 3,500-hundred-square-foot Education Center, a restored 1929 Art Deco Tower, and the 57,000-square-foot Plaza for the Arts, which unites the Center's buildings across Biscayne Boulevard. Architect Cesar Pelli, theater planning and design consultants Jules Fisher/Joshua Dachs Associates, Inc., and acoustics, sound and communications systems design consultants ARTEC Consultants, Inc. designed the Center.

This federal grant No. B-06-SP-FL-0238, in the amount of \$247,500, has been awarded to implement the first phase of the Center's digital media system. The system uses a core operating system and related software, which enables distribution of multimedia content over industry standard wired and wireless broadband networks. This initial implementation program includes acquisition of "backend" systems such as servers, software, workstations, monitors and computer racks, and the purchase and installation of the appropriate wiring, cabling and network infrastructure. It also includes digital signage for dozens of monitors that are to be located throughout the lobbies of both the Knight Concert Hall and the Ziff Ballet Opera House, a multilingual titling system and an initial 100 seatback PDA's for seats where there may be titling line-of-sight concerns. The full roll out of the PDA's for all seats and additional signage functionality are contained in a proposed second phase of the Center's digital media system.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 3(P)(1)(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

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Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 3(P)(1)(C)

01-25-07

RESOLUTION NO.

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO RECEIVE AND EXPEND \$247,500 IN FEDERAL GRANT FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR AND ON BEHALF OF THE CARNIVAL CENTER FOR THE PERFORMING ARTS; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE CANCELLATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves and authorizes the County Manager to receive and expend federal funds in the amount of \$247,500 from the U.S. Department of Housing and Urban Development FY2006 Economic Development Initiative Special Project grants (Grant No. B-06-SP-FL-0238) on behalf of the Carnival Center for the Performing Arts to purchase and install the first phase of the Center's digital media system, in substantially the form of the grant award notification attached hereto and made a part hereof; and authorizes the County Manager to exercise the cancellation provisions contained therein.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of January, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. DBM

Deborah B. Mastin

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-7000

OFFICE OF THE ASSISTANT SECRETARY
FOR COMMUNITY PLANNING AND DEVELOPMENT

APR 26 2006

Mr. William Johnson
Assistant County Manager
Miami Dade County
111 NW First Street, Suite 2910
Miami, FL 33128

Dear Mr. Johnson:

The Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Act, 2006 (PL 109-115) (the Act), signed into law by President Bush on November 30, 2005, provided the Department of Housing and Urban Development with Economic Development Initiative (EDI) funds for certain special projects specified in the Congressional Record of November 18, 2005. The following project was specified in the Congressional Record to receive grant funding in the listed amount:

Project Description: For Miami Dade County, Florida for the Miami Performing Arts Center
Grant Amount: \$247,500
Grant Number: B-06-SP-FL-0238

Please note that the Grant Amount shown above is 99% of the amount specified in the Congressional Record of November 18, 2005, due to the 1% rescission mandated by the Department of Defense Appropriations Act, 2006 (PL 109-148). All materials necessary to apply for the grant listed above are enclosed and must be completed and returned to the Department as explained in the instructions. Upon receipt of your completed application, the Department will review it for consistency with the intent of Congress and notify you regarding any questions about the application.

Limitations on Planning, Management and Administrative Expenses

The Act contains the following language with regard to planning, management and administrative costs payable with the grant funds:

"That unless explicitly provided for under this heading, ...not to exceed 20 percent of any grant made with funds appropriated under this heading...shall be expended for planning and management development and administration."

The 20 percent limitation is applicable to your EDI Grant above and encompasses general management expenses associated with administration of the grant as well as direct project delivery costs, including, but not limited to:

- Professional services necessary to implement the project (e.g., architectural, engineering, surveying, appraisal, legal, accounting, etc.);
- Development and construction management fees and costs;
- Project financing fees, expenses, taxes, and insurance; and
- On-site services during construction (e.g., security, temporary utilities, etc.)

Limitations on Eligible Activities

There are several key provisions of the Act of which you should be aware. First, the Act contains the following language with regard to the activities that are payable with FY2006 grant funds:

“...no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment, or construction.”

The Congressional Record of November 18, 2005, authorizes the specific activities that may be financed with your EDI grant. The authorizing language for your grant is provided in the above project description. The Department cannot approve any activities that are not specified in the authorizing language for your individual grant and that are not eligible under one of the categories of activity authorized by Congress.

Prohibition on Expenses for Program Operations

In describing the use of EDI funds the Act states that:

“none of the [EDI] funds provided under this paragraph may be used for program operations.”

The intent of Congress expressed by this language, is to limit the use of grant funds for planning, management and administration, and to prohibit the use of grant funds for program operations. The language is intended to ensure that EDI grant recipients use the funds solely for construction or other “hard cost” activities as specified in the authorization for the use of your grant funds in the Congressional Record of November 18, 2005, and in the above project description.

The Application Kit directions require that you prepare a simple, line item project budget that identifies only the use of the EDI funds. Please keep the above administrative and operational cost limitations established by Congress in mind as you prepare the project budget.

Limitations on the Use of Funds for Projects Involving Eminent Domain

The Act also provides that no funds made available under the Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For purposes of this provision, public use shall not be construed to include economic development that primarily benefits private entities.

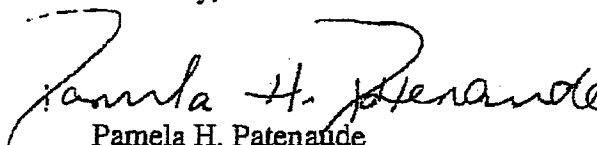
Environmental Review Requirements

Under the environmental review requirements for this grant, you may not take any actions nor commit any HUD or any non-HUD funds that would cause actions that are choice-limiting among reasonable alternatives or would produce an adverse environmental impact, before HUD has approved the environmental certification of compliance and the request for release of funds. Therefore, you are encouraged to commence the environmental review process as soon as possible. Please review carefully the detailed information on these environmental requirements provided in Attachment III of the Application Kit before proceeding with your application.

If you or your staff have any questions regarding the Application Kit or your grant in general, please contact Herbert Mallette, Congressional Grants Division, at (202) 708-3773, extension 4885, or by fax at (202) 708-7543, or by e-mail at Herbert_Mallette@hud.gov.

I look forward to assisting you in the successful implementation of your project.

Sincerely,



Pamela H. Patenaude
Assistant Secretary

Enclosure